

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Sebastian Torero	Team: Squad #1	CCRB Case #: 202004663	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 06/28/2020 4:00 PM	Location of Incident: Entrance to Washington Square Park on the north side		Precinct: 06	18 Mo. SOL 12/28/2021	EO SOL 5/4/2022
Date/Time CV Reported Sun, 06/28/2020 8:23 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sun, 06/28/2020 8:23 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Genya Allen	08105	931457	PBMS
2. Officers			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DC Salvatore Comodo	00000	882370	PBMS
2. POF Natasha Deleon	07187	941643	PBMS

Officer(s)	Allegation	Investigator Recommendation
A.POF Genya Allen	Force: Police Officer Genya Allen used physical force against § 87(2)(b)	
B. Officers	Force: Officers struck individuals with their batons.	
C.POF Genya Allen	Off. Language: Police Officer Genya Allen made remarks to § 87(2)(b) and individuals based upon their perceived sexual orientation.	

### Case Summary

On June 28, 2020, § 87(2)(b) and § 87(2)(b) filed complaints with the CCRB online regarding the same incident. On June 29, 2020, § 87(2)(b) filed a complaint with the CCRB by voicemail. On June 30, 2020, § 87(2)(b) and § 87(2)(b) all filed complaints with the CCRB by voicemail as reporting non-witnesses.

§ 87(2)(b) alleged that PO Genya Allen of Patrol Borough Manhattan South was among officers that violently broke up the Queer Liberation March in Manhattan on June 28, 2020 (**Allegations A: Force, § 87(2)(g)**). § 87(2)(b) saw multiple officers use their batons to push marchers (**Allegation B: Force, § 87(2)(g)**). § 87(2)(b) and § 87(2)(b) alleged that PO Allen called them and other participants in the march “faggots” (**Allegation C: Offensive Language, § 87(2)(g)**).

The investigation obtained 25 body-worn camera recordings from the demonstration (they did not capture the allegations in this complaint) as well as videos from news articles and social media (Board Review 01-33). Because PO Deleon was assigned to drive Patrol Borough Manhattan South Deputy Chief Salvatore Comodo, and because PO Allen was DC Comodo’s administrative assistant, neither officer was assigned a body-worn camera. DC Comodo, like all other deputy chiefs, was not assigned a body-worn camera.

#### **Allegation (A) Force: Police Officer Genya Allen used physical force against § 87(2)(b)**

§ 87(2)(b) scheduled a phone interview for July 8, 2020. On July 6, 2020, a text message reminder was sent to § 87(2)(b) regarding his scheduled phone interview. When the undersigned investigator called § 87(2)(b) on June 8, 2020, § 87(2)(b) did not answer; a voicemail message was left. § 87(2)(b) scheduled a second phone interview for July 17, 2020, and provided his email address. On July 15, 2020, a text message reminder was sent to § 87(2)(b) reminding him of his scheduled appointment. § 87(2)(b) did not answer the call on July 17, 2020. Voicemail messages were left on July 17, 2020 and July 23, 2020.

In addition, between July 13, 2020 and July 31, 2020, the undersigned investigator sent three email messages to the email address that § 87(2)(b) provided, all of which were delivered. § 87(2)(b) did not respond to any of these contact attempts. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

#### **Allegation (B) Force: Officers struck individuals with their batons.**

§ 87(2)(b) stated that he participated in the Queer Liberation March in Manhattan from City Hall to Washington Square Park, reaching the entrance of the park on the north side at approximately 4:00 PM. There were thousands of people participating in the march, and § 87(2)(b) did not go with anyone he knew and did not know anyone else who participated. After being at Washington Square Park for approximately five minutes, a large group of officers ran among the crowd. § 87(2)(b) was not able to provide a detailed description of any of these officers, because many things were happening very quickly, and there were many officers on scene. § 87(2)(b) testified that, within 20 feet of him, officers held out their batons in front of their chests and pushed at least three people, possibly more than 10 people, backwards onto the sidewalk on both sides of the street. § 87(2)(b) could not provide physical descriptions of these officers. No officer pushed § 87(2)(b) (Board Review 34).

PO Allen and PO Natasha Deleon of Patrol Borough Manhattan South, who were both assigned as drivers, for Deputy Chief Salvatore Comodo of Patrol Borough Manhattan South, testified that they were in the vicinity of Washington Square Park when they exited their vehicle to respond to officers who had called for assistance near the north side of Washington Square Park. Both PO Allen and PO Deleon testified that they had to push through a large crowd of people numbering in the hundreds or thousands as they attempted to reach the officers in need of assistance (Board Review 35-36). PO Allen testified that hundreds of people were surrounding and making physical contact with her and five to ten other officers, including PO Deleon, as they were trying to make their way to officers in need of assistance who were near the arch on the north side of Washington Square Park. PO Allen testified that she used her hands, not her baton, to push these people (Board Review 35). PO Deleon testified similarly that she and other officers had to push through a crowd of thousands of civilians to get to injured officers near the north side of Washington Square Park, and that she and fellow officers held their hands out in front of them and pushed through the crowd. PO Deleon did not see any officers use their batons to push people (Board Review 36).

None of the body-worn camera videos obtained in this investigation show officers pushing marchers near the north side of Washington Square Park in the manner that § 87(2)(b) alleged. The investigation received body-worn camera footage from officers assigned to the 6<sup>th</sup> Precinct, Patrol Borough Manhattan South, and Strategic Response Group 1. This footage captured a large crowd of people on the street and sidewalk on Washington Square North as a marked van is attempting to drive westbound on that street. Officers eventually gather near the northwest corner of the park and leave Washington Square Park from there. The footage captures one civilian being arrested, as well as a large crowd that surrounds and shouts at police (Board Reviews 01-25). A video posted on social media captured officers that appear to be on Washington Square North, attempting to clear a large crowd in the street as an FDNY vehicle is driving eastbound but is being blocked by the crowd. At least two male officers are holding their batons in front of them and pushing civilians out of the street. The commands, shield numbers, and names of these two male officers are unclear from the video (Board Review 26). Comparing the video to images from Google Maps, this video appears to have been filmed in the vicinity of 21 Washington Square North in Manhattan, approximately 322 feet from where § 87(2)(b) testified he was standing (Board Review 26, 37-38).

§ 87(2)(b) provided a general description of officers on scene at the time, but was unable to provide any specific physical description of the subject officers in this allegation. While the investigation obtained video from social media showing officers pushing members of the crowd from the street to the sidewalk as an FDNY vehicle was attempting to make its way eastbound on Washington Square North, this occurred farther from § 87(2)(b) than the actions he alleged he witnesses, and the investigation was not able to determine that these officers were the subjects of § 87(2)(b)'s allegations. No other civilians provided testimony in this investigation or made a similar allegation in their complaint, and therefore no civilians added any information that could have helped identify the officers that § 87(2)(b) allegedly saw push people in the crowd with batons. The body-worn camera footage that the investigation obtained did not capture officers taking the actions § 87(2)(b) alleged, and PO Allen and PO Deleon's testimony did not shed further light on any officers using their batons to push protestors during this incident. § 87(2)(g)

§ 87(2)(g)  
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§ 87(2)(g)

**Allegation (C) Offensive Language: Police Officer Genya Allen made remarks to § 87(2)(b) and individuals based upon their perceived sexual orientation.**

§ 87(2)(b) testified that he was standing on the sidewalk on the north side of Washington Square Park, at the entrance to the park, and officers formed a line near the curb on the south side of Washington Square North and faced the park. A female police officer who was approximately 5'5" tall with § 87(2)(b) blonde hair was standing six feet away from § 87(2)(b) directly in front of him. § 87(2)(b) heard protestors say, "What did you just say?" and this officer responded, "Faggots." After § 87(2)(b) heard this officer say "faggots" once, he left the park. § 87(2)(b) learned from social media that this officer's name was PO Allen, and that her badge number was 8105. § 87(2)(b) refused to say who posted that information to social media, or where he found that information online (Board Review 34).

§ 87(2)(b) and § 87(2)(b) also filed complaints with the CCRB alleging that PO Allen referred to them and other participants in the Queer Liberation March as "faggots." They each provided PO Allen's last name and shield number. § 87(2)(b) provided a photograph from Snapchat showing PO Allen in uniform; the photo captures her name and shield number and says, "This fucking pig was calling us all faggots!!! Fuck the police!" (Board Review 39). § 87(2)(b) missed two scheduled CCRB interviews, and § 87(2)(b) failed to respond to numerous contact attempts after she asked to reschedule her interview. § 87(2)(b) did not respond to any of the CCRB's attempts to contact her. § 87(2)(b) filed a complaint alleging that officers called protestors "faggots," but in an email to the investigation clarified that his complaint was based on things he had been told, not events he personally witnessed. § 87(2)(b) did not respond to the investigation's request for the source of his information. § 87(2)(b) filed a complaint that officers called participants in the march "faggots" based on information from her friend § 87(2)(b) for whom § 87(2)(b) provided a social media handle. The investigation provided a phone number for § 87(2)(b) to call if they wished to cooperate and reached out to § 87(2)(b) via social media, but received no response from § 87(2)(b).

The Snapchat photo of PO Allen referenced a social media handle, @§ 87(2)(b) (Board Review 39). A civilian who uses the name Blew § 87(2)(b) on social media made a post on Instagram stating that they made a previous post about a "lady cop" who called protestors "faggots" but which had been removed (Board Review 40). On September 14, 2020, the undersigned investigator contacted Blew § 87(2)(b) over the phone. In that conversation, Blew § 87(2)(b) stated that they saw PO Allen refer to gay men as "faggots" during the march and that a friend possibly had video of her doing so (Board Review 41). While Blew § 87(2)(b) was granted permission to provide a written statement via email, as they did not want to provide a verbal statement, Blew § 87(2)(b) did not send a written statement to the investigation and did not provide video to corroborate the allegation. In a subsequent conversation, Blew § 87(2)(b) stated that while they heard PO Allen yell at gay men, they did not hear exactly what PO Allen said. The investigation did not locate any video footage on social media of PO Allen using offensive language, and the body-worn camera footage obtained does not appear to capture PO Allen.

PO Allen denied referring to protestors as "faggots" or using any offensive language regarding anyone's sexual orientation at any point during this incident. PO Allen also denied hearing any other officer refer to the protestors as faggots (Board Review 35). PO Deleon testified that she was with PO Allen as they pushed through the crowd to assist other officers but she was not sure of PO Allen's precise location at all times. PO Deleon denied hearing PO Allen or any other officer refer to protestors as "faggots" during this incident (Board Review 36). Neither PO Allen nor PO Deleon recorded body-worn camera footage of this incident because as they were not assigned body-worn cameras (Board Review 35-36). A request for body-worn camera footage from PO Allen, PO Deleon, and DC Comodo was returned with negative results (Board Review 42). A search of the NYPD's

body-worn camera allocation list found that PO Allen, PO Deleon, and DC Comodo were not assigned body-worn cameras. None of the body-worn camera footage or social media footage that the investigation obtained captured PO Allen using offensive language towards marchers (Board Review 01-33).

§ 87(2)(g)

#### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 43).
- § 87(2)(b)  
[Redacted]  
[Redacted]
  - [Redacted]  
[Redacted]  
[Redacted]
- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 45).
- § 87(2)(b)  
[Redacted] (Board Review 46).
- PO Genya Allen has been a member-of-service for 18 years and this is the first CCRB complaint to which she has been a party (Board Review 47).

#### **Mediation, Civil and Criminal Histories**

- This case was unsuitable for mediation.
- As of December 14, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint by § 87(2)(b) (Board Review 48).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (Board Review 49).

Squad No.: 1

Investigator:	<u>Sebastian Torero</u>	<u>Inv. Sebastian Torero</u>	<u>12/29/2020</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Mgr. Joy Almeyda</u>	<u></u>	<u>12.30.20</u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date